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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,774	04/10/2001	Gregory V. Andrews	2222/9	1558
7590 12/02/2003				
W. Thad Adams, III Adams, Schwartz & Evans, P.A. 2180 Two First Union Center Charlotte, NC 28282			EXAMINER PIERCE, JEREMY R	
			ART UNIT 1771	PAPER NUMBER

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/829,774	ANDREWS, GREGORY V.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jeremy R. Pierce	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4,6,7,9,11,12,14-36 and 38-43 is/are pending in the application.
- 4a) Of the above claim(s) 18-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,7,9,11,12,14-17,35,36,39 and 41-43 is/are rejected.
- 7) ☒ Claim(s) 38 and 40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 21, 2003 has been entered.

### ***Response to Amendment***

2. Applicant's amendment filed on October 21, 2003 has amended claims 1, 4, 6, 7, 9, 11, 12, 14-16, 35, 36, and 38. Claims 39-43 have been added. Claims 18-34 remain withdrawn.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 6, 7, 9, 11, 12, 14-17, 36, 39, and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guevel et al. (FR 2,668,176 with English translation provided) in view of Shi et al. (U.S. Patent No. 5,721,179).

Guevel et al. disclose a composite yarn comprising a core of metallic fibers, and which may include other thermoplastic synthetic fibers (page 4). The yarn has a

covering thread of water-soluble polyvinyl alcohol (pages 4-5). Guevel et al. do not teach the other thermoplastic synthetic fiber may be elastomeric. Shi et al. also teach a *composite yarn wherein the core comprises both metal wire and synthetic fibers* (column 2, lines 6-12). Shi et al. disclose that the synthetic fibers may be rubber or spandex (column 2, line 21). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include the elastomeric fibers in the core of Guevel et al. in order to make a knitted product with more flexible yarns, as taught by Shi et al. With regard to claims 9 and 17, both Guevel et al. (page 2) and Shi et al. (column 2, lines 6-7) teach weaving and knitting with the composite yarn. With regard to claim 11, the metallic fibers of Guevel et al. are multi-filament (page 4). With regard to claim 36, Shi et al. also teach including elastomeric strands in the wrap as well as the cover (column 2, lines 13-17). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include elastomeric fibers in the wrap of Guevel et al. in order to make a knitted product with more flexible yarns, as taught by Shi et al.

5. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guevel et al. in view of Shi et al. as applied above, and further in view of Rosenstein et al. (U.S. Patent No. 3,769,787).

Guevel et al. do not disclose wrapping two soluble filaments around the multi-filament core. Rosenstein et al. disclose wrapping a multi-filament core helically in both clockwise and counterclockwise directions can better prepare a fiber for knitting (column 2, lines 29-46). It would have been obvious to one having ordinary skill in the art to

wrap the metal fibers of Guevel et al. in both clockwise and counterclockwise directions in order to make a more compact fiber that can be knitted more easily, as taught by Rosenstein et al.

***Allowable Subject Matter***

6. Claims 38 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 5,442,815 to Cordova et al. disclosing the use of elastomeric core yarns in protective gloves (column 9, lines 26-50).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Pierce whose telephone number is (703) 605-4243. The examiner can normally be reached on Monday-Thursday 7-4:30 and alternate Fridays 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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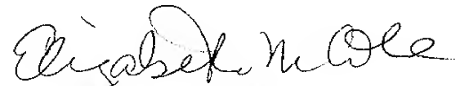
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

JRP

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ELIZABETH M. COLE  
PRIMARY EXAMINER